



**TOWN OF FORT MILL
BOARD OF ZONING APPEALS**

**July 20, 2015
112 Confederate Street
6:00 PM**

AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

Regular Meeting: June 30, 2015

[Pages 2-3]

PUBLIC HEARING ITEMS

1. **CASE # 2015-486**
Pulte Homes
171 York Southern Road
(Carolina Orchards
Development)
Tax Map # 020-21-01-294, 020-
21-01-295, 020-21-01-292, 020-
21-01-325, 020-21-01-326
Zoning District: MXU

Applicant is requesting a variance from the zoning ordinance to allow an increase in the 16' maximum lighting fixture height. *[Pages 4-10]*

ADJOURN

**MINUTES
TOWN OF FORT MILL
BOARD OF ZONING APPEALS
SPECIAL CALLED MEETING
June 30, 2015
6:00 PM**

Present: Jim Thomas, Scott Couchenour, Becky Campbell, Jody Stegall, Terri Murray,
Assistant Planner Chris Pettit

Absent: Ryan Helms, Charles Stec

Guests: Roger Attanasio (LS3P Associates), Glenda Wyke (Resident), Jon Hattaway
(Cumming Corp.), David Bellamy (LS3P Associates, Scott Childers (ESP
Associates), Matt Reiking (ESP Associates), John Marks (Fort Mill Times), June
McCoy (Resident), Lorraine Watkins (Resident), Russell Watkins (Boy Scouts –
Troup 832)

Chairman Thomas called the meeting to order at 6:00 pm and welcomed everyone in attendance.

APPROVAL OF MINUTES

Mr. Stegall made a motion to approve the minutes of the April 20, 2015 meeting as submitted by staff. Mr. Couchenour seconded the motion. The motion was approved by a vote of 4-0, with Ms. Murray not yet present at the time of the vote.

PUBLIC HEARING ITEMS

- A) **Variance request from Fort Mill School District (2257 Vista Road)**: Chairman Thomas provided a brief overview of the variance request, the purpose of which was to allow an increase in the 35' maximum building height and to allow an increase in the 16' maximum lighting fixture height. Mr. John Hattaway, on behalf of the applicant, provided a brief introduction to the project with Mr. Roger Attanasio providing a detailed description of the reasons behind the applicant's request. The applicants are requesting an increase in the maximum building height from 35' to 52' in order to allow the applicant to construct a three-story structure. Mr. Attanasio noted that the property is restricted from a stream and topographical issues, which requires the applicants to vary from the requirements of the zoning ordinance in order to utilize the site. Mr. Attanasio also provided details on the applicant's request to increase the maximum lighting fixture height from 16' to 81' for the proposed athletic field lighting, where it was noted that the requested height was typical for athletic lighting and that lighting at 16' would not provide enough lighting for the fields to be utilized after dusk.

Chairman Thomas asked if there was anyone present wishing to speak for or against the variance request. Ms. Glenda Wyke, resident from Vista Road, asked if traffic would impact Vista Road. Mr. Attanasio noted that there are no planned entrances off Vista Road.

Chairman Thomas asked if all other lights on the property would conform to the requirements of the zoning ordinance. Mr. Attanasio noted that all other lighting would conform to the 16' maximum lighting height requirement, except for the athletic lighting if a variance is approved. Chairman Thomas asked if the athletic lights would spill on adjacent properties. Mr. Scott Childers noted that the applicants had done everything they could to mitigate it and that the increased heights would actually allow the applicant to better focus the light on the field and reduce the spill onto adjacent properties.

Hearing no further discussion, Chairman Thomas called for two separate motions for the two individual requests. Ms. Campbell made a motion to approve the variance to allow a maximum building height of 52'. Mr. Stegall seconded the motion. There being no further discussion, Chairman Thomas called for a vote. The motion was approved by a vote of 5-0. Mr. Couchenour made a motion to approve the variance request to allow a maximum fixture height of 81' for the athletic field lighting surrounding the athletic fields. Ms. Campbell seconded the motion. There being no further discussion, Chairman Thomas called for a vote. The motion was approved by a vote of 5-0.

There being no further business, the meeting was adjourned at 6:28 pm.

Respectfully submitted,

Chris Pettit, AICP
Planning Department

Town of Fort Mill Board of Zoning Appeals Item for Action

Item #1 **CASE # 2015-486**
Pulte Homes
171 York Southern Road
(Carolina Orchards
Development)
Tax Map # 020-21-01-294, 020-
21-01-295, 020-21-01-292, 020-
21-01-325, 020-21-01-326
Zoning District: MXU

Applicant is requesting a variance from the zoning ordinance to allow an increase in the 16' maximum lighting fixture height.

Background / Discussion

The town has received a variance request from Pulte Homes for a proposed non-conformity related to the Carolina Orchards Development located along Springfield Parkway and York Southern Road.

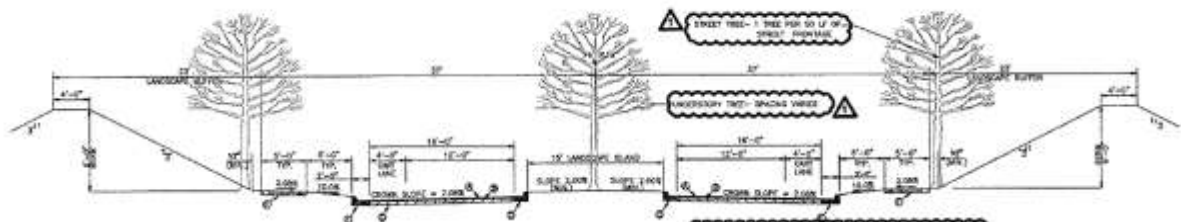
The applicant is requesting a variance to allow the installation of lighting fixtures up to 35' in height, as measured from ground level at the base of the fixture. These lights are proposed to be located along an interior boulevard-type road, intended to be similar to an arterial roadway serving the neighborhood.

Article IV, Section 6(4)(a) of the town's zoning ordinance outlines the following requirement for lighting fixtures:

“Except as provided below, lighting fixtures in any residential zoning district, including residential uses within the mixed use (MXU) zoning district, **shall not exceed 16 feet in height.**”

The petitioner has stated on their application that the purpose of the request is to provide safe lighting conditions for an arterial-like roadway (consisting of a drive lane, golf cart lane, and pedestrian sidewalk) and to reduce the number of lighting fixtures as more lights create clutter and locational conflicts with utilities, driveways, street trees, and other required infrastructure within the right-of-way.

Figure 1 – Carolina Orchards Boulevard Section



Pursuant to Section 6-29-800(A)(2) of the SC Code of Laws, the Board of Zoning Appeals has the power to:

Hear and decide appeals for variance from the requirements of the zoning ordinance when strict application of the provisions of the ordinance would result in unnecessary hardship. A variance may be granted in an individual case of unnecessary hardship if the board makes and explains in writing the following findings:

- (a) there are extraordinary and exceptional conditions pertaining to the particular piece of property;
 - (b) these conditions do not generally apply to other property in the vicinity;
 - (c) because of these conditions, the application of the ordinance to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property; and
 - (d) the authorization of a variance will not be of substantial detriment to adjacent property or to the public good, and the character of the district will not be harmed by the granting of the variance.
- (i) The board may not grant a variance, the effect of which would be to allow the establishment of a use not otherwise permitted in a zoning district, to extend physically a nonconforming use of land or to change the zoning district boundaries shown on the official zoning map. The fact that property may be utilized more profitably, if a variance is granted, may not be considered grounds for a variance. Other requirements may be prescribed by the zoning ordinance.

A local governing body by ordinance may permit or preclude the granting of a variance for a use of land, a building, or a structure that is prohibited in a given district, and if it does permit a variance, the governing body may require the affirmative vote of two-thirds of the local adjustment board members present and voting. Notwithstanding any other provision of this section, the local governing body may overrule the decision of the local board of adjustment concerning a use variance.

- (ii) In granting a variance, the board may attach to it such conditions regarding the location, character, or other features of the proposed building, structure, or use as the board may consider advisable to protect established property values in the surrounding area or to promote the public health, safety, or general welfare.

Submitted by:

Chris Pettit, AICP
Assistant Planner / Zoning Administrator
July 13, 2015

2015-486

Date Received: _____
Board of Zoning Appeals Date: July 20th

Variance Appeal Application

Town of Fort Mill, South Carolina

Owner / Applicant Information:

Applicant Name: PULIE HOWE

Mailing Address: 11121 CARMEL COMMONS BLVD - SUITE 450

Telephone Number: (704) 543-4922

Property Information:

Address: 171 YORK SOUTHERN ROAD

Current Zoning: MXU

Current Use of Property: RESIDENTIAL SUBDIVISION

Notices of appeal shall be posted on affected property so as to be clearly visible from a traveled street. The owner or appellant is instructed to maintain posting and to be responsible for notifying the Town promptly if the sign is damaged or removed. Failure to do so may delay Board action.



Owner / Applicant Signature

6/30/15

Date

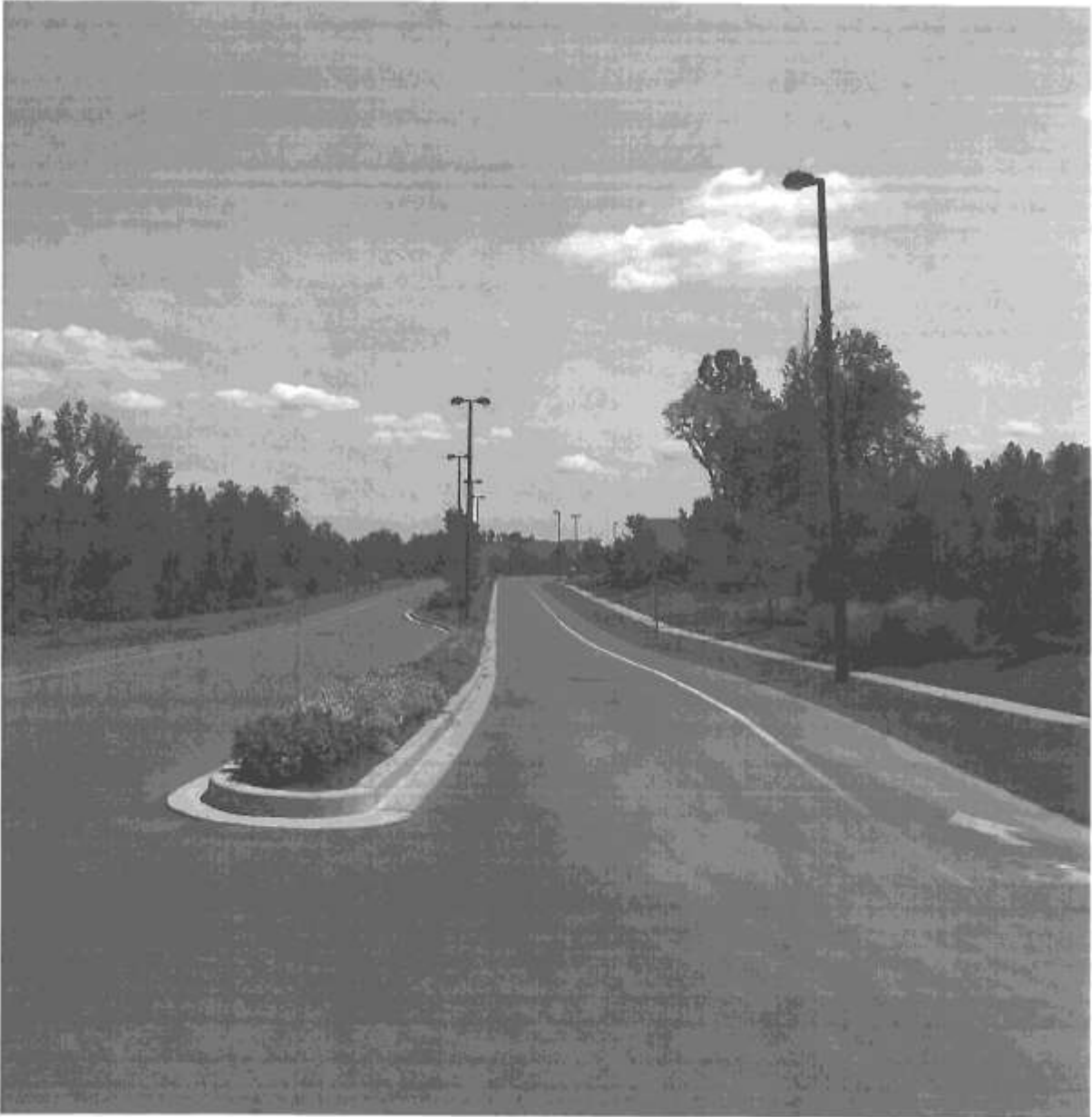
The Board of Zoning Appeals may grant a variance from the requirements of the Zoning Ordinance when strict application of the provisions of the Ordinance would result in unnecessary hardship.

The findings required by the Board for variances are identified in Sec. 6-29-800 of the South Carolina Code of Laws. Responses to each of the following questions will assist the Board in making a determination.

1. Describe the variance request: STREETLIGHT TO EXCEED 16' HEIGHT
2. Describe any extraordinary and exceptional conditions pertaining to the particular piece of property (size, shape, topography, etc.): HIGH VOLUME ROADWAY, ARTERIAL ROAD FOR LARGE COMMUNITY (722 HOMES)
3. Describe how the conditions listed above are unique to the property for which the variance is sought: THIS IS ONE OF THE LARGEST PROPERTIES IN FORT MILL WITH A VERY HIGH VOLUME OF TRAFFIC ANTICIPATED ON OUR MAIN BOULEVARD
4. Describe how the current zoning regulations prohibit or unreasonably restrict utilization of the property: WOULD CREATE POOR LIGHTING, COULD INCREASE THE AMOUNT OF LIGHTS NEEDED, MORE LIGHTS CREATES OTHER UTILITY CONFLICTS ALONG THE BOULEVARD
5. Describe why the granting of the requested variance will not be injurious to adjacent properties, the neighborhood, or the general public: THERE WILL BE BEAMS AND LARGE BUFFERS ALONG THE BOULEVARD, NO LIGHT SPILLAGE ON HOMEOWNERS OR ADJACENT LANDOWNERS

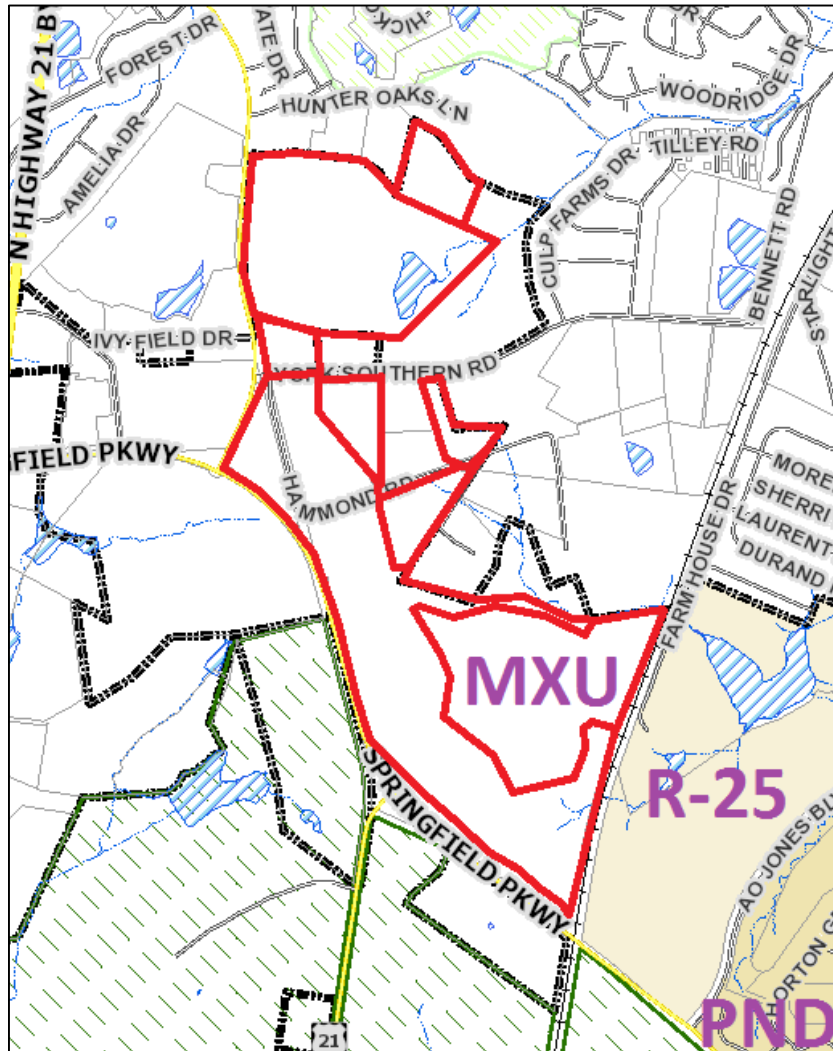
P.O. BOX 159 • 112 CONFEDERATE STREET • FORT MILL, SC 29715
TELEPHONE (803) 547-2116 • FAX (803) 547-2126

Example – Sun City Carolina Lakes (Lancaster County)





**York County Tax Map # 020-21-01-294,
020-21-01-295, 020-21-01-292, 020-21-01-325,
020-21-01-326
Zoning Map**



**York County Tax Map # 020-21-01-294,
020-21-01-295, 020-21-01-292, 020-21-01-325,
020-21-01-326
Aerial Map**

